Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: **BE/76/14/HH**

LOCATION: 6 Greystone Avenue
Bognor Regis

PROPOSAL: Loft extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed rear dormer measures approximately 8.5m in width, depth of 3.5m with a height of 2.5m.
SITE AREA	Approximately 450 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the highway with tarmac driveway, rear and side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Semi-detached property with front dormer, two flat roof extensions on rear. Front garden is laid to tarmac. The property has brickwork and painted brickwork, red tile hanging on front gable, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising detached and semi-detached bungalows, detached and semi-detached two storey of various styles and designs.

RELEVANT SITE HISTORY

BE/35/96	Single storey shower room extension for disabled person	ApproveConditionally 13-08-1996

REPRESENTATIONS

Representations received:

Bersted Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings D SP1 Design SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

· the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

· the extent to which there are unresolved objections to relevant policies (the less significant the

unresolved objections, the greater the weight that may be given);
· the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters/policies have been published.

The Neighbourhood Development Plan
Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14)".

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application seeks to construct a rear dormer with alterations to the front dormer.

The semi-detached property has previously been extended on the rear with two flat roof extensions. There is existing bedroom accommodation at first floor level and the existing front dormer has two windows and these are to be replaced by three windows with the installation of a

velux roof light. The proposed rear dormer will be set lower than the main ridge height and will be centred in the middle of the roof leaving a gap of 1m on each side. It will be approximately 8.5m in width, depth of 3.5m and a height of 2.5m and will be clad in a brown weatherboarding. The dormer has four windows, two of which serve bedrooms and the other two a shower room and bathroom which will be obscure glazed.

A rear dormer of this size could normally be constructed under "Permitted Development". However in this instance the siting of the dormer does not have a set back of 20cm from the eaves. Whilst it is noted that the dormer is of a substantial size it is not considered to be of an unacceptable level to recommend refusal.

With regard to residential amenity the properties to the rear in Chichester Road are sited approximately 48m away. The neighbouring two storey property to the west No 8 has been extended with a side and rear dormer and conservatory on the rear. The adjoining property No 4 is sited approximately 1m away. The dormer may give rise to overshadowing at certain times of the day to the neighbouring properties No 4 and 8 and the windows have the potential for overlooking onto neighbouring gardens. If approved, two of the windows will be conditioned to be obscure glazed.

A dormer of this size could normally be constructed under "Permitted Development". However in this instance the siting of the dormer does not have a set back of 20cm from the eaves. Whilst it is noted that the dormer is of a substantial size it is not considered to be of an unacceptable level to recommend refusal.

Due to its rear location the dormer will not be visible within the street scene. It is not considered that the dormer would harm the established character and appearance of the surrounding residential area or the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended that the application be approved, subject to conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans: Location/Block Drg No 1074-01A, Proposed Floor/Roof Drg No 1074-04, Proposed First Floor Drg No 1074-06, Proposed Elevations/Sections Drg No 1074-05 received on 10th July 2014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The dormer shall be clad in a brown weatherboarding as per the sample submitted on the 27th August 2014 and the sample so approved shall be used for the cladding of the dormer.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 The bathroom window and shower room window on the dormer hereby approved shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of neighbouring properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.